

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:)
JOSEPH C. PETERSON and) Case No. 13-27958-PP
JULIE A. PETERSON,) Chapter 13
Debtors.)

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Joseph C. Peterson and Julie A. Peterson have filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Anton B. Nickolai
Nickolai & Poletti, LLC
308 Milwaukee Avenue
Burlington, WI 53105

If you or your attorney does not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Drafted by:
Anton B. Nickolai
State Bar No. 1060676
Nickolai & Poletti, LLC
308 Milwaukee Avenue
Burlington, WI 53105
(262) 757-8444; Fax (262) 287-9725
anton@nickolailaw.com

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
 - A. X the Debtor;
 - B. _____ the Chapter 13 Trustee (post-confirmation modifications only);
 - C. _____ the holder of an unsecured claim (post-confirmation only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
 - A. _____ post-confirmation;
 - B. X pre-confirmation (Select i. or ii.);
 - i. _____ Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (LBR 3015(b)); or
 - ii. X Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (LBR 3015(b)). The creditors affected are: All creditors of record.
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: The debtors intend to amend their payment schedule.
4. The reason for the modification is: Contrary to the clear requirements of 11 U.S.C. §543(b)(1), secured creditor Fox River State Bank has refused to turnover investment real estate to the debtors. The debtors' plan relies on income generated by said investment real estate. The debtors fully expect said investment real estate to be turned over to them within the first six (6) months of their plan. Until this turnover occurs, the debtors will not be able to afford their regular plan payments. Accordingly, the debtors seek to temporarily reduce their normal plan payment for the first six (6) months of their plan.
5. Select A. or B.
 - A. _____ The Chapter 13 Plan confirmed or last modified on _____ is modified as follows:
 - B. X The unconfirmed Chapter 13 Plan dated June 20, 2013, is modified as follows:
 - a. **For the first six (6) months of their plan, the debtors' plan payment shall be temporarily reduced to \$700.00 per month.**

- b. Beginning with the seventh (7th) month of their plan, the debtors' normal plan payment of \$1,800.00 per month shall resume.
- c. The debtors shall file a further amended plan to address feasibility issues, if any, as a result of this temporary reduction in plan payments.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPOSER OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

CERTIFICATION

I, Anton B. Nickolai, attorney for debtors, Joseph C. Peterson and Julie A. Peterson, certify that I have reviewed the modification proposed above with the debtors, and that the debtors have authorized me to file it with the court.

/s/ Anton B. Nickolai

August 29, 2013

Counsel for the debtors

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: August 29, 2013.

Nickolai & Poletti, LLC
Attorneys for Debtors

/s/ Anton B. Nickolai
By: Anton B. Nickolai
State Bar No. 1060676